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1 CAS00401, dated December 13, 2001, issued by the California Regional Water Quality Control Board
2 — Los Angeles Region, which also serves as a NPDES permit under the Federal Clean Water Act and
3 as a co-permittee, the city is required to implement procedures with respect to the entry of non-storm
4 water discharges into the municipal storm water system.

5 E. In order to control, in a cost-effective manner, the quantity and quality of storm water and
6 urban runoff to the maximum extent practicable, the adoption of reasonable regulations, as set forth
7 herein, is essential.”

8 **SECTION 2.** Section 8.44.030(C) of Title 8, Chapter 8.44 of the Hermosa Beach Municipal
9 Code is amended to read as follows:

10 “C. This chapter is also intended to provide the city with the legal authority necessary to
11 control discharges to and from those portions of the municipal storm water system over which it has
12 jurisdiction as required by the municipal NPDES permit and to hold dischargers to the municipal storm
13 water system accountable for their contributions of pollutants and flows.”

14 **SECTION 3.** Section 8.44.040 of Title 8, Chapter 8.44 of the Hermosa Beach Municipal
15 Code is hereby amended to add the following definitions in appropriate alphabetical sequence:

16 “**Construction**” means constructing, clearing, grading, or excavation that results in soil disturbance.
17 Construction includes structure teardown. It does not include routine maintenance to maintain original line
18 and grade, hydraulic capacity, or original purpose of facility; emergency construction activities required to
19 immediately protect public health and safety; interior remodeling with no outside exposure of construction
20 material or construction waste to storm water; mechanical permit work; or sign permit work.

21 “**Control**” means to minimize, reduce, eliminate, or prohibit by technological, legal, contractual or
22 other means, the discharge of pollutants from an activity or activities.

23 “**Development**” means any construction, rehabilitation, redevelopment or reconstruction of any
24 public or private residential project (whether single-family, multi-unit or planned unit development);
25 industrial, commercial, retail and other non-residential projects, including public agency projects; or mass
26 grading for future construction. It does not include routine maintenance to maintain original line and grade,

1 hydraulic capacity, or original purpose of facility, nor does it include emergency construction activities
2 required to immediately protect public health and safety.

3 “Directly Adjacent” means situated within 200 feet of the contiguous zone required for the
4 continued maintenance, function, and structural stability of the environmentally sensitive area.

5 “Director” means the Director of Public Works of the City or the Director’s designee.

6 “Discharge” means when used without qualification the “discharge of a pollutant.”

7 “Discharging Directly” means outflow from a drainage conveyance system that is composed
8 entirely or predominantly of flows from the subject property, development, subdivision, or industrial
9 facility, and not commingled with the flows from adjacent lands.

10 “Discharge of a Pollutant” means: any addition of any “pollutant” or combination of pollutants to
11 “waters of the United States” from any “point source” or, any addition of any pollutant or combination of
12 pollutants to the waters of the “contiguous zone” or the ocean from any point source other than a vessel
13 or other floating craft which is being used as a means of transportation. The term discharge includes
14 additions of pollutants into waters of the United States from: surface runoff which is collected or
15 channeled by man; discharges through pipes, sewers, or other conveyances owned by a State,
16 municipality, or other person which do not lead to a treatment works; and discharges through pipes,
17 sewers, or other conveyances, leading into privately owned treatment works.

18 “Disturbed Area” means an area that is altered as a result of clearing, grading, and/or excavation.

19 “Environmentally Sensitive Area” (“ESA”) means an area in which plant or animal life or their
20 habitats are either rare or especially valuable because of their special nature or role in an ecosystem and
21 which would be easily disturbed or degraded by human activities and developments (California Public
22 Resources Code § 30107.5). Areas subject to storm water mitigation requirements are areas designated
23 as Significant Ecological Areas by the County of Los Angeles (Los Angeles County Significant Areas
24 Study, Los Angeles County Department of Regional Planning (1976) and amendments); an area
25 designated as a Significant Natural Area by the California Department of Fish and Game’s Significant
26 Natural Areas Program, provided that area has been field verified by the Department of Fish and Game;

1 an area listed in the Basin Plan as supporting the Rare, Threatened, or Endangered Species (RARE)
2 beneficial use; and an area identified by the City as environmentally sensitive.

3 “Inspection” means entry and the conduct of an on-site review of a facility and its operations, at
4 reasonable times, to determine compliance with specific municipal or other legal requirements. The steps
5 involved in performing an inspection, include, but are not limited to:

- 6 1. Pre-inspection documentation research;
- 7 2. Request for entry;
- 8 3. Interview of facility personnel;
- 9 4. Facility walk-through.
- 10 5. Visual observation of the condition of facility premises;
- 11 6. Examination and copying of records as required;
- 12 7. Sample collection (if necessary or required);
- 13 8. Exit conference (to discuss preliminary evaluation); and,
- 14 9. Report preparation, and if appropriate, recommendations for coming into compliance.

15 “Maximum Extent Practicable (MEP)” means the standard for implementation of storm water
16 management programs to reduce pollutants in storm water, including management practices, control
17 techniques and system, design and engineering methods, and such other provisions as the Administrator
18 or the State determines appropriate for the control of such pollutants. See also State Board Order WQ
19 2000-11 at page 20.

20 “Planning Priority Projects” mean those projects that are required to incorporate appropriate
21 storm water mitigation measures into the design plan for their respective project, including:

- 22 1. Ten (10) or more unit homes (includes single family homes, multifamily homes,
23 condominiums, and apartments);
- 24 2. A One Hundred-Thousand (100,000) or more square feet of impervious surface area
25 industrial/commercial development; after March 10, 2003, one acre or more of
26 impervious surface area industrial/commercial development;
- 27 3. Automotive service facilities (SIC 5013, 5014, 5541, 7532-7534, and 7536-7539);

4. Retail gasoline outlets;
5. Restaurants (SIC 5812);
6. Parking lots Five Thousand (5,000) square feet or more of surface area or with 25 or more parking spaces;
7. Redevelopment projects in subject categories that meet Redevelopment thresholds;
8. Projects located in or directly adjacent to or discharging directly to an ESA, which meet the thresholds described herein; and
9. Those projects that require the implementation of a site-specific plan to mitigate post-development storm water for new development not requiring a SUSMP but which may potentially have adverse impacts on post-development storm water quality, and where the following project characteristics exist:
 - a. Vehicle or equipment fueling areas;
 - b. Vehicle or equipment maintenance areas, including washing and repair;
 - c. Commercial or industrial waste handling or storage;
 - d. Outdoor handling or storage of hazardous materials;
 - e. Outdoor manufacturing areas;
 - f. Outdoor food handling or processing;
 - g. Outdoor animal care, confinement, or slaughter; or
 - h. Outdoor horticulture activities.”

“Project” means all development, redevelopment, and land disturbing activities.

“Runoff” means any runoff including storm water and dry weather flows from a drainage area that reaches a receiving water body or subsurface. During dry weather it is typically comprised of base flow either contaminated with pollutants or uncontaminated, and nuisance flows.

“Significant Redevelopment” means land-disturbing activity that results in the creation or addition or replacement of 5,000 square feet or more of impervious surface area on an already developed site.”

“Site” means the land or water area where any “facility or activity” is physically located or conducted, including adjacent land used in connection with the facility or activity.

1 “Storm event” means a rainfall event that produces more than 0.1 inch of precipitation in 24
2 hours unless specifically stated otherwise.

3 **SECTION 4.** Section 8.44.040 of Title 8, Chapter 8.44 of the Hermosa Beach Municipal
4 Code is hereby amended to substitute the following definitions for and in place of the existing definitions,
5 as follows:

6 “Hillside” means property located in an area with known erosive soil conditions, where the
7 development contemplates grading on any natural slope that is twenty-five percent or greater and where
8 grading contemplates cut or fill slopes.

9 “Illicit discharge” means any discharge to the storm drain system that is prohibited under local,
10 state or federal statutes, ordinances, codes or regulations. The term illicit discharge includes all non-storm
11 water discharges except discharges pursuant to a separate NPDES permit, discharges that are identified
12 in Part 1, “Discharge Prohibitions” of Order 01-182, and discharges authorized by the Regional Board
13 Executive Officer.

14 “Municipal NPDES permit” means the “Waste Discharge Requirements for Municipal Storm
15 Water and Urban Runoff Discharges Within the County of Los Angeles, and the Incorporated Cities
16 Therein, Except the City of Long Beach” (Order No. 01-182), NPDES Permit No. CAS00401, dated
17 December 13, 2001, issued by the California Regional Water Quality Control Board — Los Angeles
18 Region, and any successor permit to that permit.

19 “NPDES permit” means any waste discharge requirements issued by the California Regional
20 Water Quality Control Board — Los Angeles Region or the State Water Resources Control Board as an
21 NPDES permit pursuant to Water Code Section 13370 (other than the Municipal NPDES Permit).

22 “Redevelopment” means, on an already developed site, the creation or addition of at least five
23 thousand (5,000) square feet of impervious surfaces, as such term is defined in the current version of the
24 SUSMP approved by the Regional Board. Redevelopment includes, but is not limited to the following
25 activities that meet the minimum standards set forth in this definition: (1) the expansion of a building
26 footprint or addition or replacement of a structure; (2) structural development, including an increase in
27 gross floor area and/or exterior construction or remodeling; (3) replacement of impervious surface that is
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not part of a routine maintenance activity and (4) land disturbing activities related to structural or impervious surfaces. Redevelopment does not include routine maintenance activities that are conducted to maintain original line and grade, hydraulic capacity, original purpose of facility or emergency redevelopment activity required to protect public health safety.

“Restaurant” means a facility that sells prepared foods and drinks for consumption, including stationary lunch counters and refreshment stands selling prepared foods and drinks for immediate consumption. (SIC code 5812).

SECTION 5. The definition of the term “Automotive Repair Shop” set forth in Section 8.44.040 of Title 8, Chapter 8.44 of the Hermosa Beach Municipal Code is hereby repealed and the following new definition is hereby added in its place to read as follows:

“Automotive Service Facilities” means a facility that is categorized in any one of the following Standard Industrial Classification (SIC) codes: 5013, 5014, 5541, 7532-7534, or 7536-7539 (as amended).

SECTION 6. Section 8.44.060(A) of Title 8, Chapter 8.44 of the Hermosa Beach Municipal Code is amended to read as follows:

“A. Illicit Discharges and Connections. It is prohibited to establish, use, maintain, or continue illicit connections to the municipal storm water system, or to commence or continue any illicit discharges to the municipal storm water system. This prohibition against illicit connections is expressly retroactive and applies to connections made in the past but excludes improvements to real property permitted over which uncontaminated storm water runoff flows.”

SECTION 7. Section 8.44.060(D)(4) of Title 8, Chapter 8.44 of the Hermosa Beach Municipal Code is hereby amended to read as follows:

“4. Discharges of untreated runoff to the MS4 from storage areas of materials containing grease, oil, or other hazardous substances (e.g. motor vehicle parts), and uncovered receptacles containing hazardous materials;”

SECTION 8. Section 8.44.060(D)(5) of Title 8, Chapter 8.44 of the Hermosa Beach Municipal Code is hereby amended to read as follows:

1 “5. The discharge of chlorinated/brominated swimming pool water and filter backwash;”

2 **SECTION 9.** Sections 8.44.060(D)(11) and 8.44.060(D)(12) are hereby added to Title 8,
3 Chapter 8.44 of the Hermosa Beach Municipal Code to read as follows:

4 “11. Discharge of any food or food processing wastes; and

5 12. Discharge of any fuel and chemical wastes, animal wastes, garbage, batteries, and other
6 materials that have potential adverse impacts on water quality.”

7 **SECTION 10.** Section 8.44.060(F) is hereby added to Title 8, Chapter 8.44 of the Hermosa
8 Beach Municipal Code to read as follows:

9 “F. Industrial Activities. No person shall conduct any industrial activity in the city without
10 obtaining all permits required by state or federal law, including a NPDES general industrial activity storm
11 water permit when required. Persons conducting industrial activities within the city shall refer to the most
12 recent edition of the Industrial/Commercial Best Management Practices Handbook, produced and
13 published by the Storm Water Quality Task Force, for specific guidance on selecting best management
14 practices for reducing pollutants in storm water discharges from industrial activities.”

15 **SECTION 11.** The preamble of Section 8.44.080 of Title 8, Chapter 8.44 of the Hermosa
16 Beach Municipal Code is hereby amended to substitute the following in its place:

17 “Owners and occupants of property within the city shall implement Best Management Practices
18 to prevent or reduce the discharge of pollutants to the municipal storm water system to the maximum
19 extent practicable. Treatment and structural Best Management Practices shall be properly operated and
20 maintained to prevent the breeding of vectors. Implementation includes, but is not limited to:”

21 **SECTION 12.** Existing Section 8.44.080(B) of Title 8, Chapter 8.44 of the Hermosa Beach
22 Municipal Code is hereby amended by adding the following sentence to the end of the subparagraph:

23 “Sweeping and collection of debris is encouraged for trash disposal.”

24 **SECTION 13.** Existing Section 8.44.090 of Title 8, Chapter 8.44 of the Hermosa Beach
25 Municipal Code is hereby amended to designate the existing provision as subparagraph “A” and to add
26 subparagraphs B, C and D to read as follows:

1 “A. Each industrial discharger, discharger associated with construction activity, or other
2 discharger described in any general storm water permit addressing such discharges, as may be issued by
3 the U.S. Environmental Protection Agency, the State Water Resources Control Board, or the Regional
4 Board, shall comply with all requirements of such permit. Each discharger identified in an individual
5 NPDES permit shall comply with and undertake all activities required by such permit. Proof of
6 compliance with any such permit may be required in a form acceptable to the Authorized Enforcement
7 Officer prior to the issuance of any grading, building or occupancy permits, or any other type of permit or
8 license issued by the city.

9 B. Storm water runoff containing sediment, construction materials or other pollutants from
10 the construction site and any adjacent staging, storage or parking areas shall be reduced to the maximum
11 extent practicable. The following shall apply to all construction projects within the city and shall be
12 required from the time of land clearing, demolition or commencement of construction until receipt of a
13 certificate of occupancy:

- 14 1. Sediment, construction wastes, trash and other pollutants from construction
15 activities shall be reduced to the maximum extent practicable.
- 16 2. Structural controls such as sediment barriers, plastic sheeting, detention ponds,
17 filters, berms, and similar controls shall be utilized to the maximum extent
18 practicable in order to minimize the escape of sediment and other pollutants from
19 the site.
- 20 3. Between October 1 and April 15, all excavated soil shall be located on the site in
21 a manner that minimizes the amount of sediment running onto the street, drainage
22 facilities or adjacent properties. Soil piles shall be bermed or covered with
23 plastic or similar materials until the soil is either used or removed from the site.
- 24 4. No washing of construction or other vehicles is permitted adjacent to a
25 construction site. No water from the washing of construction vehicle of
26 equipment on the construction site is permitted to run off the construction site and
27 enter the municipal storm water system.

1 5. Trash receptacles must be situated at convenient locations on construction sites
2 and must be maintained in such a manner that trash and litter does not accumulate
3 on the site nor migrate off site.

4 6. Erosion from slopes and channels must be controlled through the effective
5 combination of Best Management Practices.

6 C. The owner or authorized representative of the owner must certify in a form acceptable to
7 the Director or duly authorized representative that Best Management Practices to control runoff from
8 construction activity at all construction sites will be implemented prior to the issuance of any Building or
9 Grading permit,

10 D. A Local Storm Water Pollution Prevention Plan and Wet Weather Erosion Control Plan
11 for construction sites one acre or greater shall be developed consistent with the municipal NPDES permit.
12 Such plans must be submitted to the city for review and approval prior to the issuance of building or
13 grading permits.”

14 **SECTION 14.** Existing Section 8.44.095(A) of Title 8, Chapter 8.44 of the Hermosa Beach
15 Municipal Code is hereby amended to read as follows:

16 “A. Projects Requiring a SUSMP. The following projects for New Development and
17 Redevelopment, if subject to Discretionary Project approval in the Zoning Ordinance of the City, shall
18 require a Storm Water Mitigation Plan that complies with the most recent SUSMP and the current
19 Municipal NPDES Permit:

- 20 1. Ten or more unit homes (includes developments of single family homes,
21 condominiums and apartments);
- 22 2. A One Hundred Thousand (100,00) or more square feet of impervious surface
23 area industrial/commercial development; after March 10, 2003, one acre or more
24 of impervious surface area industrial/commercial development;
- 25 3. Automotive Service facilities (SIC 5013, 5014, 5542, 7532-7534 and 7536-
26 7539);
- 27 4. Retail gasoline outlets;

5. Restaurants (SIC 5812);
6. Parking lots Five Thousand (5,000) square feet or more of surface area or with twenty-five (25) or more parking spaces;
7. Redevelopment projects in subject categories that meet Redevelopment thresholds;
8. Any New Development or Redevelopment project located in or directly adjacent to or discharging directly into an Environmentally Sensitive Area (as defined herein), where the development will:
 - a. Discharge storm water and urban runoff that is likely to impact a sensitive biological species or habitat; and
 - b. Create 2,500 square feet or more of impervious surface area.”

SECTION 15. Existing Section 8.44.095(B) of Title 8, Chapter 8.44 of the Hermosa Beach Municipal Code is hereby amended to read as follows:

“B. Incorporation of SUSMP into Project Plans.

1. An applicant for a New Development or a Redevelopment Project identified in paragraph A of this Section shall incorporate into the applicant’s project plans a Storm Water Mitigation Plan (“SWMP”), which includes those Best Management Practices necessary to control storm water pollution from construction activities and facility operations, as set forth in the SUSMP applicable to the applicant’s project. Structural or Treatment Control BMP’s (including, as applicable, post-construction Treatment Control BMP’s) set forth in project plans shall meet the design standards set forth in the SUSMP and the current Municipal NPDES Permit.
2. If a Project applicant has included or is required to include Structural or Treatment Control BMP’s in project plans, the applicant shall provide verification of maintenance provisions. The verification shall include the applicant’s signed statement, as part of its project application, accepting responsibility for all

1 structural and treatment control BMP maintenance until such time, if any, the
2 property is transferred.

3 3. A new single-family hillside home development or Redevelopment shall include
4 mitigation measures to:

- 5 a. Conserve natural areas;
- 6 b. Protect slopes and channels;
- 7 c. Provide storm drain system stenciling and signage;
- 8 d. Divert roof runoff to vegetated areas before discharge unless the
9 diversion would result in slope instability; and
- 10 e. Direct surface flow to vegetated areas before discharge unless the
11 diversion would result in slope instability.

12 4. Numerical Design Criteria: Post-construction Treatment Control BMPs for all
13 projects must incorporate, at a minimum, either a volumetric or flow based
14 treatment control design standard, or both, as identified below to mitigate
15 (infiltrate, filter or treat) storm water runoff:

16 a. Volumetric Treatment Control BMP

- 17 i. The 85th percentile 24-hour runoff event determined as the
18 maximized capture storm water volume for the area, from the
19 formula recommended in Urban Runoff Quality Management,
20 WEF Manual of Practice No. 23/ ASCE Manual of Practice No.
21 87, (1998); or
- 22 ii. The volume of annual runoff based on unit basin storage water
23 quality volume, to achieve 80 percent or more volume treatment
24 by the method recommended in California Stormwater Best
25 Management Practices Handbook – Industrial/ Commercial,
26 (1993); or

- iii. The volume of runoff produced from a 0.75 inch storm event, prior to its discharge to a storm water conveyance system; or
- iv. The volume of runoff produced from a historical-record based reference 24-hour rainfall criterion for “treatment” (0.75-inch average for the Los Angeles County area) that achieves approximately the same reduction in pollutant loads achieved by the 85th percentile 24-hour runoff event.

b. Flow Based Treatment Control BMP

- i. The flow of runoff produced from a rain event equal to at least 0.2 inches per hour intensity; or
- ii. The flow of runoff produced from a rain event equal to at least two times the 85th percentile hourly rainfall intensity for Los Angeles County; or
- iii. The flow of runoff produced from a rain event that will result in treatment of the same portion of runoff as treated using volumetric standards above.

5. Applicability of Numerical Design Criteria: The numeric design criteria listed above shall apply to the following categories of projects required to design and implement post-construction treatment controls to mitigate storm water pollution:

- a. Single-family hillside residential developments of one (1) acre or more of surface area;
- b. Housing developments (including single family homes, multifamily homes, condominiums, and apartments) of ten (10) units or more;
- c. A 100,000 square feet or more impervious surface area industrial/commercial development; after March 10, 2003, one acre or more of impervious surface area industrial/commercial development;

- d. Automotive service facilities (SIC 5013, 5014, 5541, 7532-7534 and 7536-7539) [5,000 square feet or more of surface area];
 - e. Retail gasoline outlets (5,000 square feet or more of impervious surface area and with projected Average Daily Traffic (ADT) of 100 or more vehicles). [Subsurface Treatment Control BMP's which may endanger public safety (i.e., create an explosive environment) are considered not appropriate];
 - f. Restaurants (SIC 5812) [5,000 square feet or more of surface area];
 - g. Parking lots 5,000 square feet or more of surface area or with 25 or more parking spaces;
 - h. Projects located in, adjacent to or discharging directly to an Environmentally Sensitive Area that meet threshold conditions identified above in Section 8(a); and
 - i. Redevelopment projects in subject categories that meet Redevelopment thresholds.
6. The following categories of Projects which otherwise do not require a SUSMP, but which may potentially have adverse impacts on post-development storm water quality, shall be designed to include post-construction Treatment Controls to mitigate storm water pollution and the implementation of a site-specific plan to mitigate post-development storm water for New Development and Redevelopment where one or more of the following Project characteristics exist:
- a. Vehicle or equipment fueling areas;
 - b. Vehicle or equipment maintenance areas, including washing and repair;
 - c. Commercial or industrial waste handling or storage;
 - d. Outdoor handling or storage of hazardous materials;
 - e. Outdoor manufacturing areas;
 - f. Outdoor food handling or processing;

- g. Outdoor animal care, confinement, or slaughter; or
- h. Outdoor horticulture activities.

7. A SUSMP, or site-specific requirements, including post-construction storm water mitigation, shall be required for all Planning Priority Projects (as defined herein) that undergo Significant Redevelopment (as defined herein) in their respective categories.

8. Existing single family structures are exempt from the Redevelopment requirements set forth in this Chapter.”

SECTION 16. Existing Section 8.44.095(C) of Title 8, Chapter 8.44 of the Hermosa Beach Municipal Code is hereby amended to read as follows:

“C. Issuance of Discretionary Permits. No discretionary permit may be issued for any New Development or Redevelopment Project identified in paragraph A of this Section until the Authorized Enforcement Officer confirms that the project plans comply with the applicable stormwater mitigation plans and enumerated design criteria requirements. Where Redevelopment results in an alteration to more than fifty percent (50%) of impervious surfaces of a previously existing development, and the existing development was not subject to post-development storm water quality control requirements, the entire Project must be mitigated. Where Redevelopment results in an alteration to less than fifty percent (50%) of impervious surfaces of a previously existing development, and the existing development was not subject to post -development storm water quality control requirements, only the alteration must be mitigated, and not the entire development. Existing single family structures are exempt from the redevelopment requirements.”

SECTION 17. Section 8.44.100(C) of Title 8, Chapter 8.44 of the Hermosa Beach Municipal Code is hereby amended to read:

“C. Authority to Conduct Samplings and Establishing Sampling Devices. With the consent of the owner or occupant or pursuant to an inspection warrant, any authorized enforcement officer may establish on any property such devices as necessary to conduct sampling and monitoring activities

1 necessary to determining the concentrations of pollutants in stormwater and/or non-stormwater runoff.

2 The inspections provided for herein may include but are not limited to:

- 3 1. Inspecting efficiency or adequacy of construction or post construction BMPs;
- 4 2. Inspection, sampling and testing any area runoff, soils in areas subject to runoff,
5 and or treatment system discharges;
- 6 3. Inspection of the integrity of all storm drain and sanitary sewer systems, including
7 the use of smoke and dye tests and video survey of such pipes and conveyance
8 systems;
- 9 4. Inspection of all records of the owner, contractor, developer or occupant of
10 public or private property relating to BMP inspections conducted by the owner,
11 contractor, developer or occupant and obtaining copies of such records as
12 necessary;
- 13 5. Identifying points of stormwater discharge from the premises whether surface or
14 subsurface and locating any illicit connection or discharge.”

15 **SECTION 18.** If any section, subsection, sentence, clause, portion, or phrase of this Ordinance
16 is for any reason held to be invalid or unconstitutional by a decision of any court of any competent
17 jurisdiction, such decision shall not affect the validity of the remaining sections, subsections, sentences,
18 clauses, portions, or phrases of this Ordinance. The City Council hereby declares that it would have
19 passed this Ordinance and each and every section, subsection, sentence, clause, portion, or phrase
20 without regard to whether any other section, subsection, sentence, clause, portion, or phrase of the
21 Ordinance would be subsequently declared invalid or unconstitutional.

22 **SECTION 19. Declaration of Urgency.** This Ordinance is an urgency ordinance for the
23 immediate preservation of the public health, safety and welfare and therefore shall become effective
24 immediately upon its adoption pursuant to Government Code section 36937. This Ordinance must be
25 adopted and must become effective immediately in order to ensure compliance with the storm mitigation
26 measures prescribed in the new Municipal NPDES Permit adopted by the Regional Water Quality
27 Control Board (RWQCB) in December 2001 as part of the municipal storm water program to address
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1 storm water pollution from new development and redevelopment by the private sector. The City is
2 required by the new Municipal NPDES Permit to modify its existing SUSMP ordinances or resolutions
3 by August 1, 2002, to take effect no later than September 2, 2002. Failure to comply with that deadline
4 could jeopardize the City's compliance with the Permit. Accordingly, it is necessary for the protection of
5 the public health, safety and welfare that this Ordinance become effective immediately.

6
7 **PASSED, APPROVED and ADOPTED** this 13th day of August, 2002, by the following vote.

8 AYES: Edgerton, Keegan, Reviczky, Yoon, and Mayor Dunbabin

9 NOES: None

10 ABSENT: None

11 ABSTAIN: None

12
13
14 _____
15 **PRESIDENT** of the City Council and **MAYOR** of the City of Hermosa Beach, California

16
17
18 ATTEST:

APPROVED AS TO FORM:

19
20
21
22 _____
23 City Clerk

City Attorney